

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2591028 ONTARIO LIMITED d/b/a FOCUS	:	
GLOBAL,	:	<u>ORDER</u>
	:	
Plaintiff,	:	20 Civ. 10876 (AKH)
-against-	:	
	:	
ADVACARE INC.,	:	
	:	
Defendant.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On June 2, 2023, Defendant Advacare filed a motion to compel Plaintiff Focus Global to produce certain documents. ECF No. 50. On July 6, 2023, Advacare filed an additional motion to compel non-party Port Air Express CHB Corporation (“Port Air”) to comply with a subpoena seeking production of documents and appearance for a deposition. A status conference was held on July 21, 2023 and the motion was argued. I hold as follows:

1. Defendant’s demand for documents and communications, and motion, concerning Plaintiff’s suppliers, including communications with suppliers and proof of payments received, is denied as not relevant to this breach of contract case.
2. Defendant’s demand for documents and communications concerning federal regulations purportedly affecting the import and sale of the Goods, and motion, is denied for the same reason.
3. No later than July 28, 2023, Plaintiff shall supply Defendant with an affidavit regarding Plaintiff’s production of (i) source documents demonstrating Plaintiff’s mitigation efforts; and (ii) documents

demonstrating Plaintiff's calculation of damages. Upon submission of the affidavit, defendant's motion is denied.

4. No later than August 7, 2023, Plaintiff and Port Air shall file any opposition to Advacare's motion to compel Port Air to produce discovery and appear for deposition.

Fact discovery in this matter closed on June 16, 2023, ECF No. 49, and the parties have indicated that they are prepared to move forward with dispositive motions. Motions shall be filed according to the following schedule: motions shall be filed by August 22, 2023; oppositions shall be filed by September 29, 2023; and replies shall be filed by October 13, 2023. These dates have been set by mutual agreement of the parties, and no adjournments will be granted.

SO ORDERED.

Dated: July 24, 2023
New York, New York

/s/ Alvin Hellerstein

ALVIN K. HELLERSTEIN
United States District Judge